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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, August 23, 1971, at 2:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, James D. McDuffie, and Milton Short present.

ABSENT: Councilmen Patrick N. Calhoun, James B. Whittington and Joe D. Withrow.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its hearings on the zoning petitions, with Chairman Tate and Commissioners Albea, Boyce, Godley, C. Ross, J. Ross and Sibley present.

ABSENT: Commissioners Blanton, Moss and Turner.

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#### INVOCATION.

The invocation was given by Councilman Fred D. Alexander.

#### MINUTES APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the minutes of the last meeting, on August 9, 1971, were approved as submitted.

#### CITY OF CHARLOTTE AWARD PRESENTED TO JIM MORTON, NATIONAL DIRECTOR OF THE JAYCEES.

Mayor Belk recognized Mr. Jim Morton for outstanding citizenship and stated he represents the State of North Carolina and is National Director of the Jaycees. He presented Mr. Morton with the City of Charlotte Award, and stated he is very proud of the fine work he has done, and congratulated him on his election to the office.

#### RESOLUTION OF THE GENERAL MEMBERSHIP OF THE CHARLOTTE JAYCEES REGARDING THE PARTIALLY COMPLETED MOTEL STRUCTURE ON KINGS DRIVE.

Mayor Belk requested that the following resolution, adopted by the general membership of the Charlotte Jaycees, be made a part of the Minutes:

"WHEREAS, the City Council has voted to take action against the partially-completed motel structure on Kings Drive in order to have this 'eyesore' removed from our city;

BE IT RESOLVED, that the Charlotte Jaycees do hereby endorse and support said action of Council and do hereby pledge our services in any constructive capacity as Council may warrant.

This the 10th day of August, 1971.

CHARLOTTE JAYCEES

By: William H. Gill, III  
President"

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MAYOR ADVISES SOME MEMBERS OF COUNCIL WILL BE ABSENT FROM MEETING.

Mayor Balk advised that Councilmen Calhoun, Whittington and Withrow are out of the City and will not be present for the meeting today.

PETITION NO. 71-4 BY B & W REALTY, INC. FOR A CHANGE IN ZONING OF PARCEL OF LAND ON THE NORTH SIDE OF OLD CONCORD ROAD AT FAIRHAVEN DRIVE AND BEING ALSO LOCATED AT THE END OF DONNA DRIVE EXTENDING TO THE REAR OF LOTS ON NEAL DRIVE AND DAUGHTERY DRIVE, POSTPONED UNTIL OCTOBER 18.

Councilman Short stated he understands from some of the attorneys involved with the subject petition that they would prefer this hearing to be held before the entire Council, and they ask that the hearing be delayed until Monday, October 18.

Councilman Short moved that the subject petition be postponed until Monday, October 18, 1971. The motion was seconded by Councilman Jordan, and carried unanimously.

HEARING ON PETITION NO. 71-64 BY ED GRIFFIN REALTY COMPANY FOR A CHANGE IN ZONING FROM R-12 TO O-6 OF 4.69 ACRES OF LAND ON THE SOUTHWEST SIDE OF WALLACE ROAD NEAR ITS INTERSECTION WITH WALLACE LANE AND NEAR THE SOUTHWEST MARGIN OF EAST INDEPENDENCE BOULEVARD.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, pointed out the location of the property on a map and explained the land uses and zoning of the surrounding area. He stated there is one single family residence on the property, with single family residences on both sides of it and several to the southeast along Wallace Road. Behind the property is a large area of vacant property and a single family residential subdivision is planned for the area; that this property is also owned by the petitioner.

He stated the subject property and the property on either side and to the rear is all zoned R-12; along Independence Boulevard is almost a solid pattern of B-2 zoning with some office zoning on the intown side of Wallace Lane, between Monroe Road and Independence and a small area of office zoning on the north side of Wallace Road.

Mr. Phillip Gerdes, Attorney, stated the petitioner has had an office on Independence Boulevard, right across from the subject property, and he desires to change this zoning so he can construct an office building for his own quarters as he has outgrown his present facilities and will lease some space out. Mr. Gerdes passed around pictures of the area to illustrate the location.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred pending recommendation of the Planning Commission.

HEARING ON PETITION NO. 71-65 BY BENNETT C. NICHOLSON AND G. WILSON RUSSELL FOR A CHANGE IN ZONING FROM R-9 TO B-1 OF PROPERTY ON THE EAST SIDE OF SUGAR CREEK ROAD, BETWEEN WILSON LANE AND THE NEW SERVICE ROAD TO I-85.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated this is the tract of land that Council some weeks ago permitted to be re-filed and re-heard short of the required mandatory two year waiting period.

He stated the property is south of Interstate 85 and east of Sugar Creek Road; the property has on it an older single family residence and there are single family residences to the south of it; directly to the north is the revised

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location of the redesigned service road facility for traffic coming along Interstate 85 and intersecting with Sugar Creek Road.

He stated in the total redesign of the Sugar Creek Road-Interstate 85 interchange, one of the key decisions was to remove the service road traffic from the actual interchange area itself. The service road has been a source of congestion, and this plan will bring the service road down parallel to I-85 and then curve it around and run it down parallel to Sugar Creek Road and bring it back into Sugar Creek Road, south of the ramp area itself.

Mr. Bryant stated the subject property is actually at the intersection of Sugar Creek Road and what will be the new service road facility for the interchange with Interstate 85.

He then pointed out the location of the property and explained the surrounding land uses and zoning in the area. He stated behind the subject property is the beginning of the Hidden Valley single family residential area and the subject property backs up to it with the exception there is a 100 foot buffer strip at the rear of the requested area. He stated there is business zoning across the street from the property which extends from Wilson Lane up to Interstate 85; there is B-2 zoning on both quadrants of the interchange north of I-85 and then a solid pattern of single family zoning on the east side of Sugar Creek Road, including the subject property.

Mr. Sam Williams, Attorney, stated the petitioners have lived in and on the subject property in excess of 20 years. He stated the property has a depth from the margin of Sugar Creek Road of between 509 feet and 611 feet to the rear yards of Hidden Valley; that it has a buffer zone which is heavily wooded of over 105 feet on each side at the rear. Mr. Williams stated the petitioners are seeking a zoning of their property which is like every other intersection on an interstate highway in Mecklenburg County, and at the same time preserve the integrity of Hidden Valley. He stated the buffer as it is now treed will remain and probably in addition there will be an addition of trees or fence buffer as required by the code. That this involves a little under three acres of land.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 71-66 BY ARROWOOD-MORGAN CONSTRUCTION COMPANY FOR A CHANGE IN ZONING FROM R-9 TO R-9MF OF 15.354 ACRE TRACT OF LAND ON THE SOUTH SIDE OF IDLEWILD ROAD ADJACENT TO AND EAST OF FOXFIRE APARTMENTS.

The public hearing was held on the subject petition on which a general protest containing 25 names was filed in the City Clerk's Office.

The Assistant Planning Director explained the location of the property; its general land use and zoning in the area. He stated the property is vacant and immediately to the west is the Foxfire Apartment area, with vacant land directly across Idlewild from the subject property and the beginning of single family residential area just about where the subject property leaves off and continues eastward from that point.

Mr. Bryant stated there is business zoning along Independence with multi-family zoning on both sides of Idlewild Road out to the beginning of the subject property and then a solid pattern of R-9 zoning.

Mr. Joe Griffin, Attorney, stated there is no natural break between the subject property and the Foxfire Apartments. He passed around pictures of the area and explained each one. He stated there is easy access to Independence Boulevard, and it is in close proximity to Idlewild Elementary School and a day care nursery. Mr. Griffin stated they plan to separate the multi-family development from the single family development by using the natural hollow.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation from the Planning Commission.

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HEARING ON PETITION NO. 71-67 BY JOHN CROSLAND COMPANY FOR A CHANGE IN ZONING OF 73.83 ACRES OF LAND ON BOTH SIDES OF QUAIL HOLLOW ROAD EXTENDING FROM MCMULLEN CREEK TO WITHIN 100' OF CARMEL ROAD.

The public hearing was held on the subject petition requesting a change in zoning from R-15 to R-15MF of 56.4 acres, to O-15 of 6.5 acres, and to B-1SCD of 10.93 acres, a total of 73.83 acres of land on both sides of Quail Hollow Road extending from McMullen Creek to within 100 feet of Carmel Road.

Mr. Fred Bryant, Assistant Planning Director, stated the request covers three different types of zoning requests, and can be divided into four distinct areas. He stated the property lies on both sides of Quail Hollow Road from a point that is within 100 feet of Carmel Road and comes back all the way to McMullen Creek.

He stated the areas of change requested are: (1) an area roughly at the intersection of Carmel Road and the north side of Quail Hollow Road requested for B-1SCD. (2) An area adjacent to that and west of it requested for an office classification. This area extends from the end of the B-1SCD request over to McMullen Creek. (3) One area requested for R-15MF lies to the north of both the business district and the office area extending all the way within 100 feet of Carmel Road back to McMullen Creek. (4) The other area for multi-family lies to the south of Quail Hollow Road and extends from within 100 feet of Carmel Road over to McMullen Creek.

Mr. Bryant stated all the subject property is vacant and the property across Carmel Road is vacant; property to the west across McMullen Creek is vacant and the property immediately adjacent on the north side is vacant. North of the vacant area which is also owned by the petitioner is the beginning of an extensive single family developed area, and immediately north of that is the beginning of a more extensive type of development. To the south is the beginning of intensive single family residential development; to the east of Carmel Road is the Montibello Subdivision; south of that is the beginning of the Carmel Country Club. Immediately south is a new subdivision by the Ervin Company.

He stated the zoning is all single family residential zoning and includes all the property shown on the map, and is R-15 zoning.

Mr. Bryant explained the proposed plan of development and stated the only portion tied to a plan approval process is the B-1SCD portion. He stated the plan calls for a series of clustered buildings with parking around it principally on three sides; it proposes about 93,000 square feet of floor space for business purposes. The plan has been checked by the Traffic Engineering Department and the Building Inspection Department and meets the requirements of the B-1SCD ordinance.

Mr. Myles Haynes, Attorney representing the petitioner, stated the Crosland Company originally filed its petition for this property on January 14, 1971 and the hearing was set for February 22. That shortly after the filing of the petition a well-organized opposition developed, which he reviewed passing around pictures illustrating the traffic jam called for at the intersection of Carmel and Quail Hollow Roads. Mr. Haynes stated as a result of this campaign of opposition and of the high emotionalism injected into this matter, and because of the impending city council election within the next few weeks, Mr. Crosland did not feel he could get a fair and impartial hearing on the merits of the case at that time and the petition was withdrawn. Subsequently he and Mr. Crosland met with one of the leaders of the opposition in an effort to determine if there was any basis for a compromise that would be satisfactory to both sides. It was determined that no such basis existed because the attitude of the residents was that nothing would suit them except the continuance of developing this as R-15 single family property.

Mr. Haynes stated the Crosland Company refiled the petition on July 14, 1971 for hearing today, and since that time another well-organized campaign of opposition has developed. He stated Crosland acquired this property in two tracts; the first was acquired in 1968 and the second in 1969.

He stated the proposed plan calls for 37.55 acres to remain as R-15, the present classification; 29.14 acres are to be rezoned from R-15 to R-15MF; 10.93 acres are to be rezoned from R-15 to B-1SCD; 6.50 acres are to be rezoned from R-15 to O-15; and 27.26 acres are to be rezoned from R-15 to R-15MF. The total acreage for which the zoning petition applies comprises about 74 of the 112 acres in the entire tract. On the R-15 portion of the property the site plan calls for 62 single family houses in the price range of \$40 to \$45 thousand. These single family homes will be separated from the townhouse and garden apartments by a heavily wooded site. On the next section which is to be rezoned R-15MF, the plan calls for the building of 270 townhouses and garden apartments which will range from one to four bedrooms and will rent from \$195 to \$395 per month. The apartments will represent a transition zone between the single family houses and the commercial area along the intersection of Carmel Road and Quail Hollow Road. Mr. Haynes stated while the petitioner has requested R-15MF, the site plan prepared for the property calls for apartment density which is actually equal to and a little less than R-20MF. He proposes to build 192 less apartments on that section for which multi-family is asked than he actually could put on there under the classification requested.

On the section to be zoned as business, the plan calls for 93,500 square feet of business property on which will be built a neighborhood shopping center to include a convenience shopping section, a food store and a junior department store. On the portion requested for O-6, the plan calls for 79,000 square feet of office space to be utilized by dentists, doctors and/or other professionals who have a need to be located in this area of the county. Around the perimeter of the commercial areas, the site plan calls for the building of a berm, a six foot high raised area of dirt planted with shrubs and trees which act as a screen of the neighborhood shopping area from the view of motorists traveling up and down Carmel and Quail Hollow Road, and a screen for the residents who will occupy the townhouses and garden apartments. On the south side of Quail Hollow Road, the site plan calls for the building of 270 condominium townhouses, which will sale in the price range of \$30 to \$35,000 per unit. The architecture for the housing units will be colonial in design; the architecture for the shopping and office area will be California-contemporary. The present property is wooded and as many of the trees as can be saved will be saved.

Mr. Haynes stated in 1961 a master development plan was adopted for Charlotte and Mecklenburg County incorporating the best planning at that time for the overall area showing projected land use for the coming years for the property. The Planning Commission has adopted a policy of not initiating zoning changes on its own, but has waited until a developer appears who desires to develop a portion of the property in keeping with the master plan. This policy leaves the control of the development of the property in the hands of the Planning Commission and prevents loss of control from development through use by right. He stated the Crosland Company study shows the population density in this area will now support a shopping center and limited office facilities and in reliance upon this the site plan was developed. Since 1963 the master plan has designated this corner of Carmel and Quail Hollow Road as a proper proposed district shopping center; it also proposed that Quail Hollow Road would become an outer circumferential road which will run from I-77 across southeast Mecklenburg and over to Independence Boulevard.

He stated other zoning concepts crept into the picture. Such as the fact that good zoning requires that apartments be used as transitional zoning between a business area and a single family area. That is the reason for the apartments shown on the site plan on the north side of the Quail Hollow Road. Also there are economic considerations which enter into the site plan. Developers must utilize large tracts of land in a multi-use situation in order to recognize a reasonable return of investment.

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Mr. Haynes stated housing requirements have changed drastically in this county and nationally in the last ten years, and the trend is definitely away from the traditional single family housing. The trend is towards multi-family housing and townhouse for sale development. In Mecklenburg County last year 73.6% of all building permits issued were for multi-family. There is where the demand is and that is what the public wants.

He stated the opposition will no doubt talk about neighborhood schools and argue that the influx will heavily overcrowd the schools. To this he stated that in light of present conditions in Mecklenburg County in connection with the school situation, the neighborhood school is apparently no longer a valid concept. The opposition will no doubt talk about depreciation of property values. The closest residential property to the Crosland property is that under development by the Ervin Company and no opposition has been expressed from that source to this petition. Further south approximately 900 feet away is the Montibello development which is directly across the street from the Ervin Company, and Ervin is building homes which he proposes to sale from \$45 to \$55 thousand. Both of those developments will be separated from the Crosland townhouses and garden apartments by the townhouse development south of Quail Hollow Road, and the commercial area to the north of Quail Hollow Road. The single family residences in Kingswood will be buffered against the Crosland property by 62 single family townhouses of comparable value to those in Kingswood. The development of the Crosland property can have no appreciable effect on the market value of the single family houses to the north of the property. He stated the opposition will no doubt rely heavily on traffic congestion they anticipate will arrive from the development. Part of the traffic they anticipate in the shopping center will be their own traffic which is now being thrust into other communities and neighborhoods in search of these facilities. They cannot go south to shop as there are no shopping centers down there. They go to Sharon, SouthPark and Cotswold to do their neighborhood shopping. The traffic count at Quail Hollow and Sharon Roads shows that this spring in the course of a day 7,100 cars used Sharon Road north of the intersection while only 3,800 used Sharon Road south down Sharon Road. He stated logic indicates a great number are these people who are moving to get residential shopping services.

Mr. Haynes stated the main thrust of this opposition is based upon the premise that Carmel community should be kept residential. This is strongly evidenced by the signs they have placed at the intersection, the bumper strips which they have been distributing which say "keep Carmel residential", and by the contents of the letters they have been writing to the Planning Commission and the Council. He stated every effort to develop more multi-family and business property in southeast Mecklenburg County has been met with fierce and well organized opposition. The culmination of this resistance and this attitude by the people who live there to a great degree contributed to and resulted in the City Council being stripped of its logical right to zone the perimeter of the city. As a result of the resistive attitude of southeast Mecklenburg an inequable pattern of multi-family zoning around the perimeter of this city has taken place. There is a multitude of multi-family going on in the western part of this county, and this pattern continues through the north, the northeast and the eastern sections of this city, while in the southeast there is a sparse density of multi-family zoning, office or business zoning. The only recent successful rezoning in the southeast has been through the use in two instances of planned unit development. One at Providence Square and the other on the property located to the south of Highway 51.

He stated the general principal involved in this zoning case is exactly the same as that involved in the Providence Square case. The Planning Commission in approving the Providence Square rezoning request clearly stated its position and its policy in connection with the future development of the southeastern section of the county.

Mr. Haynes stated the Crosland Company is asking for the rezoning of this property for development purposes and it proposes a well-planned, well-balanced community designed in keeping with good zoning practices and in reliance upon the master plan. The residences of Carmel Community are resisting the development essentially on the grounds they they do not want other than residential development and will be satisfied only with the placing of more single family housing in this area.

He stated to deny this petition will represent a rejection of the announced policy of the Planning Commission with regard to future zoning and development in south Mecklenburg. To deny this petition will serve notice on every other area of Charlotte and Mecklenburg County that southeast Mecklenburg is going to be granted an exemption from good planning and orderly growth under the master development plan; and that other communities must expect to absorb all the traffic and the people from this community who are going to the other areas of the city in search of facilities of service and shopping which they need. To deny this petition is to serve notice on present and future generations of residents who come into this county that if they elect to do so they may not expect to live in apartments and townhouse condominiums in the southeast section of this county, and they may not expect to raise their family in the area with other people of like social and economic background unless they purchase single family homes. To deny this petition will probably cause this property to be developed someday by someone with approximately 244 more single family residences.

Mr. Ray Bradley, Attorney, stated he represents a group of conscientious homeowners concerned about their homes and their families and about the proper development of the city. He stated more specifically he represents the owners, developers, homeowners and residents of Montibello, a fine residential community only 300 feet from the property being considered for rezoning under this petition. He stated the people he represents have previously submitted petitions protesting the zoning change requested by John Crosland Company when a hearing was scheduled in February. At that time the protest petitions were signed by 542 persons who live or have an interest in property surrounding and in close proximity to the subject property. Eliminating those persons who signed the original protest petition but have moved since these were filed, and adding those who have moved into the neighborhood and now have signed petitions in protest, there are now 566 persons who have filed protest petitions to be presented today.

Mr. Bradley filed the protest petitions with the city clerk.

He stated the Montibello residents have obtained signatures from other residents in the Carmel Road area. However these petitions do not include protest petitions of people living in Kingswood and Mountainbrook who he understands will have some protest petitions to file today. He stated the Ervin Company property which is the single family development property immediately adjoining the subject property does not have any protest because there is only one house sold in the subdivision.

Mr. Bradley read the protest petition in which it is stated that the granting of the petition will allow the construction of a shopping center on a 10.93 acre tract of land, will allow the construction of office buildings on a 6.5 acre tract of land, and will allow the construction of apartment buildings on 56.4 acres of land. It will allow these things in an area now exclusively occupied by expensive single-family residences on well planned and spacious residential buildings area, with social club facilities for the use of said residences, all developed in accordance with and in reliance on the comprehensive zoning plan adopted by the Planning Commission and City Council in 1962. The rezoning would affect traffic on Carmel Road, a street designed for no other traffic than necessary to provide transportation for residents in an uncongested area. It would increase vehicular traffic to a point that would cause an extremely congested traffic situation. The construction permitted by the rezoning would decrease the value of property of the protestants because it would make the entire area a less desirable place to

live; it would increase the hazards of traffic to the children and would overtax the already overburdened facilities of schools, water supply, sewerage disposal and transportation. It would change the entire character of this district from one of the most attractive and desirable residential districts to one consisting of overcrowded apartment area, a congested business area and an office center. It would adversely affect in a material way the health and welfare of the residents; it would create new fire hazards, provide an area which would entice the children to loiter, and create new and unwarranted traffic congestion and hazards. There is no need for the proposed shopping center or office facilities in this area as two shopping centers are located within two miles of the subdivision. The Planning Commission and the County Board of Commissioners have already recognized that the changes requested are not proper for this area since they recently denied one petition for a change to business zoning on Carmel Road near the site included in this request and denied another change to allow multiple-family construction on property near that included in the present petition.

Mr. Bradley stated this is talking about the construction of 531 dwellings and another 192 dwellings, if they build the amount allowed under zoning, on approximately 65 acres of land and besides that a shopping center to serve 12,000 people on approximately 11 acres of land and 79,000 square feet of office space on another 6 1/2 acres. He stated all of this is going to be set down in a small area right in the middle of a beautiful residential area consisting of homes priced from \$50,000 to \$150,000 or more. Also in an area that was conceived only eight years ago by city planners as a desirable place for people to build homes and raise their families in spacious and beautiful surroundings. He stated nothing has happened in the area to change the concept of the original zoning plan. Developers and homeowners have proceeded to make this area in the image of that plan. He stated the rezoning will seriously interfere with the use and enjoyment by these people of their property and diminish their property values. To amend as the petition asks can only be spot zoning because it would be zoning one company's property for a specific proposed use to the detriment of the surrounding areas. It would ignore all the most important aspects of comprehensive planning and community-wide benefit. To change the zoning would be saying that the uses contemplated would not be detrimental to the area and say it would be in keeping with the uses made of the property in this area.

He stated there is no sound reason to change the use pattern of any land in this area. This has been recognized recently by the Planning Commission and the county commissioners when they denied a change of zoning in two cases. One property only 2,000 feet from the present and another only 4,000 feet away. That these two cases would have allowed almost identical development as that requested by the subject petition.

Mr. Bradley stated the area in question will come under the jurisdiction of the County Commissioners for zoning purposes in exactly five months. The Commission has already spoken on the type of change requested here for this area. To grant the request made now would fly directly in the face of their decision. This would be lame-duck legislation. He stated he has not mentioned traffic statistics, already over-crowded schools in the area, or the fact there is presently on the planning board no other land for any additional school facilities for the area, overburdened sewerage and water facilities. He stated others will point out that adequate provisions have already been made by the zoning plan for this area for the things that Mr. Crosland wants to build here. That John Crosland Company, together with one of Mr. Allen Tate's Companies, owns a large tract of land only 9,000 feet from this piece of property back up Carmel Road which is under the planned unit development zoning which will give most of the facilities that he is talking about here; that area has been zoned for sometime and he has not started any building on that area. Walden and Raintree are only a stone's throw away and they will provide all these facilities and more. He stated there have recently been changes in zoning to allow 40 apartment buildings at the corner of Sharon and Park Road; and right across the street from that another large multi-family area called GeorgeTowne and another zoning change just made in May of this year changed to multi-family a large area between four streets, at Glen Eagles and Sharon Road.



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He stated there has to be some place left in our city and county where people can plan and build beautiful communities of homes without fearing the encroachment of business.

Mr. Bryant stated the only two areas for multi-family uses approved for this area is the Hopecrest Planned Unit Development area, and the only GeorgeTowne area which is R-20MF is north of Glen Eagles Road and is the Howey Company's request approved some months ago.

Mr. Gene McCartha, Attorney, was present in behalf of the residents of Kingswood and Wild Partridge Lane and stated he wrote to each Council member a few days ago explaining why the people of these areas were opposed to the petition of John Crosland Company. He also set out other reasons why the residents were opposed to the rezoning.

Also speaking in opposition to the proposed rezoning were Mr. Herbert Hechenbleikner, Mr. Bob Alander, Mr. C. H. Touchberry, Mrs. William Ledford, Mrs. Marilyn Edwards and Mr. Herman Moore.

Mr. Moore brought out factors to be considered such as fire protection, schools, parking spaces and political aspects. He stated that Senator Eddie Knox was present earlier and would like his opposition to the rezoning expressed also.

Council decision was deferred for a recommendation of the Planning Commission.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:05 o'clock p.m., and reconvened the meeting at 4:10 o'clock p.m.

HEARING ON PETITION NO. 71-68 BY ELLIOTT A. STEWART FOR A CHANGE IN ZONING FROM O-6 TO B-1 OF A PARCEL OF LAND 118' X 206' AT 4723 SHARON ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director advised this is a request for business zoning on a single lot located on the east side of Sharon Road, south of Fairview Road. It has on it one single family residence; it is adjoined on the south side by another single family residence and the Mutual Savings and Loan office is located by the Sharon Elementary School. Across from the subject property is the Sharon Shopping Center; to the north is a vacant lot and a service station at the end of Fairview Road. There are a few single family residences scattered basically behind the subject property and to the east of the property; the remainder is vacant property.

Mr. Bryant stated there is a general pattern of business zoning around all corners of the Fairview-Sharon Road intersection, and the business zoning on the east side of Sharon Road comes down to the subject property and then there is the beginning of a pattern of O-6 zoning which includes the subject property and extends through two additional properties to the school property which is zoned R-15.

No one spoke for or against the petition.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 71-69 BY REALTY SYNDICATE, INC. FOR A CHANGE IN ZONING FROM R-9MF TO R-9 AND R-9 TO R-9MF OF PROPERTY EAST OF PAW CREEK WITHIN THE FOREST PAWTUCKET SUBDIVISION (TO CORRECT AN ERROR IN THE SURVEY OF A PARCEL PREVIOUSLY CHANGED TO R-9MF.)

The public hearing was held on the subject petition.

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Mr. Fred Bryant, Assistant Planning Director, stated this is a process necessary to correct a deficiency in the boundary survey which was furnished with the request at the time it was first heard and approved. After the rezoning and when the property was surveyed and laid out on the ground it was discovered that through some errors in the survey it did not exactly describe and relate to the precise area in which they wanted to develop their multi-family uses. He stated this is a slight shifting of the shape of the property; there is no basic difference in the amount of land but it is necessary to go through this process in order to zone the property on which they would like to place their multi-family units.

Mr. Louis Parham, Attorney for the petitioner, stated Mr. Bryant has explained the situation.

No opposition was expressed to the change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 71-70 BY FRANCES S. CAMPBELL FOR A CHANGE IN ZONING FROM R-9 AND R-9MF TO B-1 OF PROPERTY ON THE WEST SIDE OF SHARON AMITY ROAD BEGINNING AT CAMPBELL DRIVE AND EXTENDING TOWARD ALBEMARLE ROAD.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director advised the property is located at the corner of Campbell Drive and Sharon Amity Road and is adjacent to a parcel that was changed a few weeks ago to business zoning. This would extend the business zoning up to Campbell Drive; the property has a duplex on the corner of Campbell Drive and Sharon Amity and a small single family residence on the rear part of the lot back some distance from Sharon Amity. There is single family uses adjacent to it on Campbell Drive and single family uses across Sharon Amity Road. There is a large area of apartment uses under construction in the area.

Mr. Bryant stated there is B-1 zoning on both sides of Sharon Amity Road up to the subject property on the west side and beyond the subject property on the east side of Sharon Amity Road. The subject property as well as property to the rear of it is now zoned R-9.

Mr. Cecil King stated there is a differentiation between the zoning on the east side of North Sharon Amity Road which is 1,011 feet from the center line of Albemarle Road, compared with the 533 feet of business zoning which exists on the west side of Sharon Amity Road. This stretch of Sharon Amity Road is in the five year capital improvement project, and perhaps within this five year period it will be a four lane, 60 foot highway. He stated the petitioned property last month and the two subject properties are in the same family, and the petitioners believe this will provide a decent break in the zoning pattern that currently exists. Across the street and even beyond across the street has been zoned for business.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 71-71 BY MELVIN CLYDE DAGENHART AND LAWRENCE C. MARLOWE, SR. FOR A CHANGE IN ZONING FROM R-6MF TO I-1 OF TWO LOTS AT 8210 AND 8216 OLD MOUNT HOLLY ROAD.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is located on the north side of the Old Mount Holly Road, or Moores Chapel Road, and there are single family residences on the property at present. There are single family residences to the west and to the east. A truck

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terminal for petroleum type tank trucks is in the area. The old Kendell Mill is located on the Old Mount Holly Road and there are several churches in the vicinity, and a developing single family area to the south of Moores Chapel Road. The Esso storage facilities and others are scattered throughout the general area.

He stated the zoning in the area is principally industrial; there is industrial zoning to the east of the subject property, to the north and to the west. There is B-1 zoning across Moores Chapel Road from the subject property going all the way out to Little Rock Road, and along Moores Chapel Road, including the subject property is R-6MF.

Mr. Cecil King stated the petitioners feel the granting of this petition would allow an adequate break between the industrial zoning to the north and the B-1 zoning to the south. That the property will be used for a Little General Convenience Store.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation from the Planning Commission.

ORDINANCE NO. 205-X EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXATION OF LAND SOUTH OF MILTON ROAD IN CRAB ORCHARD TOWNSHIP.

The public hearing was held on Petition of The Kingston Corporation and J. Ralph Squires for the annexation of 38.977 acres of land located south of Milton Road in Crab Orchard Township contiguous to the present city limits.

Council was advised that the Planning office indicates this is a logical extension of the city limits; and that Public Works, Traffic Engineering and Water Department concur in the recommendation.

Mr. Bill McGuire with the Kingston Corporation stated they are developing a tract of land and have apartments under consideration. They would like to have the property taken into the city for fire and police protection.

Mr. Charles Mangieri, Chairman of the Hickory Grove Civic Improvement Association, stated he opposes this petition as he does not think it is a function of the City of Charlotte, or any other city, to finance a million dollar corporation like American Cyanamid. He stated this is no longer the Ervin Company; Mr. Charles Ervin sold out to American Cyanamid about a year ago, and this Kingston Corporation is a twig of the present Ervin Company whose president is a man named Jerry Harris. That as far as he knows Mr. Charles Ervin exercises no authority. In view of this he would like for City Council to realize this is dealing with a giant corporation, not a local interested citizen of Charlotte. Now we have a completely different picture. We have this giant, giant, one of America's 50th largest corporations, and he feels we are financing something which we do not know what we are doing as far as the end results.

Mr. Mangieri stated this housing proposal of the Kingston Corporation was mentioned in the Dodge Report on Friday and on Page 17A of the pink edition of the Charlotte News on Friday afternoon. That they have already asked for bids to build these apartments. There will be 100 apartments in this particular area adjoining what is now the Hickory Grove area where he lives. They fear, since the Kingston Corporation was created by American Cyanamid for the sole purpose of involving themselves in government building, primarily low income housing, that this proposed apartment project is Step No. 1 encircling the Hickory Grove area. He stated he has asked the Housing

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Authority repeatedly whether it will be directly involved in this 100 units; that they would like to know more about it. Before any public funds are expended they feel the taxpayers should know exactly what type of apartments are going to be built and what connection Mr. Squires has with the Kingston Corporation on the other 38 acres which are adjoining this particular property which are presently inside the city.

Mr. McGuire stated they will pay the full city taxes and it will cost them more to be annexed. However, they feel they would like to have the city fire and police protection and they would like to pay their fair share. He stated the apartments will be built under the FHA 236 subsidized program.

Mr. Mangieri stated this violates every principle he has fought for the last year; that he has asked the City Council, County Commissioners and Housing Authority to give a master plan. An encirclement of Hickory Grove has begun; we have started the dumping ground for this type of thing and he bitterly opposes this on these grounds.

Councilman Short stated we have a committee here called the Pacing Progress Committee; that it is not a governmental committee but is a citizen's committee active in this community. That he thinks Mr. Mangieri's comments get into the question of whether we want to repeal and refuse growth that shows up in this community. We have cut out advertising for it in a sense. That Mr. Mangieri raised the question of whether we want to repeal or refuse growth that shows up anyway, regardless of the advertising. That he thinks Mr. Mangieri might introduce this question with the Pacing Progress Committee. This would be a tremendous policy change for the city. Heretofore, it has granted annexations to those who applied for them, and who met the standards. To decide against this policy to cut off growth is a community decision would have to be made with full community involvement.

Mr. Mangieri asked if under the 236 plan these houses would be directly under the jurisdiction of the Housing Authority? Mr. McGuire replied it has a connection with the Federal Housing Administration, a division of HUD, but has nothing to do with the Charlotte Housing Authority. That Mr. Squires is not associated with the Kingston Corporation; he does own part of the property which is contained within the 39 acres.

Also speaking against the petition was Mr. Cluster Byers, who stated the Ervin Company has been practicing discrimination in their hiring and other procedures and in light of this, the Ervin Company is being bombarded by a number of suits. That he found out today that the Ervin Company is no longer owned by a member of the Charlotte community but by American Cyanamid and he would like to ask Council to delay any decisions on this petition until some settlement has been made with these discrimination suits now pending. For the Council to approve this petition by the Kingston Corporation would only be the Council saying that what the Ervin Company is now practicing is alright with them to continue this practice. Mr. Byers stated he is not speaking as a leader of the black community, but as a concerned citizen. That he read that the tax dollars would be used to finance or help this construction, and as a taxpayer, he would like to see the tax dollars go to a company that is more concerned with the whole benefit of the community.

Also speaking in opposition to the petition were Mr. John Spratt, Jr., Mrs. Margaret Mangieri and Mrs. M. H. Stewart.

Councilman McDuffie asked what control the city has over 236 housing? Councilman Alexander replied it has no control unless it is subsidized by the Federal Housing Administration. Mr. Mangieri stated this could be leased later to the Charlotte Housing Authority; that if it is annexed, it will have to meet the City Code requirements for building.

After further discussion, Councilman Short moved adoption of an ordinance extending the corporate limits of the City of Charlotte by annexing 38.977 acres of land located south of Milton Road in Crab Orchard Township. The motion was seconded by Councilman Alexander, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, beginning at Page 318.

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ORDINANCE NO. 206-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE EAST SIDE OF BEATTIES FORD ROAD ON PETITION OF J. B. BLASINGAME.

Councilman Jordan stated the petitioner has asked for a compromise on this petition to change 100 feet to B-1 and leave the 82 feet north of Beatties Ford Roas as O-6 which would leave a buffer.

Councilman Jordan moved adoption of the subject ordinance changing the zoning of 100' x 370', on the east side of Beatties Ford Road, about 700 feet north of Chester Drive from O-6 to B-1. The motion was seconded by Councilman Short, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 294.

RESOLUTION SETTING DATE OF PUBLIC HEARINGS ON PETITIONS NO. 71-72 THROUGH 71-81 FOR ZONING CHANGES.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, adopting the subject resolution, setting date of public hearings on Monday, September 13, 1971.

The resolution is recorded in full in Resolutions Book 7, at Page 418.

CONTRACT WITH LEAGUE OF CITY-CONFERENCE OF MAYORS, INC. PROVIDING THE CITY WITH \$7,000 FOR SUMMER YOUTH TRANSPORTATION PROGRAM, APPROVED.

Councilman Alexander moved approval of subject contract with League of City-Conference of Mayors, Inc. providing the City with \$7,000 for summer youth transportation program. The motion was seconded by Councilman Jordan, and after discussion, the vote was taken on the motion, and carried unanimously.

RESOLUTION AUTHORIZING MUNICIPAL AGREEMENT WITH THE STATE HIGHWAY COMMISSION FOR WIDENING OF FREEDOM DRIVE, APPROVED.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted, authorizing a Municipal Agreement with the State Highway Commission for the widening of Freedom Drive to four lanes from I-85 to Edgewood Drive, with the State Highway Commission to pay 100% of the construction costs and the City to pay 25% of the right of way cost, estimated to be \$18,000.00.

The resolution is recorded in full in Resolutions Book 7, beginning at Page 422.

ORDINANCES AUTHORIZING THE TRANSFER OF FUNDS, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the following ordinances were adopted:

- (a) Ordinance No. 207-X amending Ordinance No. 176-X, the 1971-72 Budget Ordinance authorizing the transfer of \$40,000 from the proceeds of the sale of the 1966 Redevelopment Bonds to the Downtown Urban Renewal Account, to be used as compensation for the city's share of liquidated damages for claims submitted by the plaintiffs in the case of Home Furniture, Denton Furniture and People's Furniture.

The ordinance is recorded in full in Ordinance Book 18, at Page 295.

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- (b) Ordinance No. 208-X amending Ordinance No. 176-X, the 1971-72 Budget Ordinance authorizing the transfer of \$90,000 from the Urban Beautification Account to the Library Park Account to complete the construction of the Library Park.

The ordinance is recorded in full in Ordinance Book 18, at Page 296.

- (c) Ordinance No. 209-X amending Ordinance No. 176-X, the 1971-72 Budget Ordinance, authorizing the transfer of \$17,677 from the 1969 Urban Renewal Bond Funds to the Brooklyn Urban Renewal Account to be used to complete the installation of underground wiring in Section I of the Brooklyn Urban Renewal Project.

The ordinance is recorded in full in Ordinance Book 18, at Page 297.

MODIFIED PROPOSAL FOR DEVELOPMENT OF PARCEL NO. 1, PROJECT NO. N. C. R-60, BY WESTSIDE PROFESSIONAL ASSOCIATION, APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the subject modified proposal for the development of Parcel No. 1, Project No. N. C. R-60 by Westside Professional Association to construct one seven-story medical and office building, in accordance with the Redevelopment Plan dated May 1966 and amended June 1970.

RESOLUTION APPROVING PURCHASE OF LAND IN GREENVILLE URBAN RENEWAL AREA, PROJECT NO. N. C. R-78.

Councilman Alexander moved adoption of subject resolution approving purchase of land in the Greenville Urban Renewal Area, Project No. N. C. R-78, to be used as a site for the Neighborhood Facility Center. The motion was seconded by Councilman Short, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 419.

ORDINANCE NO. 210-X AMENDING ORDINANCE NO. 176-X, THE 1971-72 BUDGET ORDINANCE, AUTHORIZING THE CREATION OF AN ADDITIONAL RESEARCH ASSISTANT I POSITION IN THE POLICE DEPARTMENT.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the subject ordinance was adopted authorizing the creation of an additional Research Assistant I position in the Police Department.

The ordinance is recorded in full in Ordinance Book 18, at Page 298.

ORDINANCE NO. 211 AMENDING CHAPTER 9, SECTION 13, OF THE CODE OF THE CITY OF CHARLOTTE.

Motion was made by Councilman Short, seconded by Councilman McDuffie, and unanimously carried, adopting subject ordinance amending Chapter 9, Section 13, of the Code of the City of Charlotte, entitled "Sale of ice cream products from vehicles; requirements" - by the addition of the following to the end of the first paragraph:

"(3) ice products, flavored, or sweetened."

The ordinance is recorded in full in Ordinance Book 18, at Page 299.

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ORDINANCE NO. 212 AMENDING CHAPTER 11, SECTION 18, OF THE CODE OF THE CITY OF CHARLOTTE, ENTITLED "LICENSES".

Councilman Short moved adoption of subject ordinance amending Chapter 11, Section 18, of the Code of the City of Charlotte, entitled "Licenses" by deleting subsection (c) under classification (152) in its entirety, and substituting the following in lieu thereof:

"(c) \*\*Ice cream and flavored ice products peddlers  
who retail from motor vehicles on city streets,  
each vehicle.....\$75.00".

The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 18, at Page 300.

ORDINANCE NO. 213-X ORDERING THE DEMOLITION AND REMOVAL OF A BUILDING AT 2209 BOOKER AVENUE PURSUANT TO THE BUILDING CODE OF THE CITY OF CHARLOTTE, SECTION 6.61, ARTICLE IV, CHAPTER 6, OF THE CITY CODE OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

Council was advised that the demolition of the subject property would not be contested.

Upon motion of Councilman McDuffie, seconded by Councilman Jordan, and unanimously carried, the subject ordinance was adopted ordering the demolition and removal of a building at 2209 Booker Avenue.

The ordinance is recorded in full in Ordinance Book 18, at Page 301.

LEASE-AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND THE A.M.E. ZION PUBLISHING HOUSE FOR RENEWAL OF LEASE, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously carried, approving a lease agreement between the City of Charlotte and the A.M.E. Zion Publishing House for renewal of a lease of 5,000 square feet of space on the second floor of the A.M.E. Zion Publishing House Building for a period of January 1, 1971 through December 31, 1971, in the amount of \$20,000.00, for Model Cities offices.

RENEWAL OF ONE-YEAR CONTRACT BETWEEN KISER BROTHERS SALVAGE, INC. AND THE CITY OF CHARLOTTE, APPROVED.

Councilman Short moved approval of the renewal of a one year contract with Kiser Brothers Salvage, Inc. for the disposal of abandoned automobiles, at no cost to the city, as recommended by the Public Works Director. The motion was seconded by Councilman Jordan, and carried unanimously.

RESOLUTION DESIGNATING ALBERT H. SCOTT AS CITY ACCOUNTANT OF THE CITY OF CHARLOTTE, EFFECTIVE AUGUST 25, 1971.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the subject resolution was adopted designating Albert H. Scott as City Accountant of the City of Charlotte, effective on August 25, 1971.

The resolution is recorded in full in Resolutions Book 18, at Page 420.

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QUIT CLAIM DEED AND RELEASE TO CHARLOTTE-MECKLENBURG BOARD OF EDUCATION OF CERTAIN SCHOOL PROPERTIES.

After discussion, Councilman Short moved that the subject item be placed on the agenda within the next couple of months with a fuller explanation. The motion was seconded by Councilman Alexander, and carried unanimously.

INSTALLATION OF WATER MAIN IN DILLARD DRIVE, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Short, and unanimously, approving a supplementary contract with Norfolk-Southern Industrial Development Corporation for the installation of 1,250 feet of 12 inch water mains and two fire hydrants in Dillard Drive, outside the city limits, at an estimated cost of \$16,500, with the applicant to advance the funds under the terms of the Partnership Plan and to be reimbursed the entire amount.

RIGHT OF WAY AGREEMENT WITH NORFOLK SOUTHERN RAILWAY FOR WATER MAIN IN DILLARD DRIVE, APPROVED.

Upon motion of Councilman Alexander, seconded by Councilman Jordan, and unanimously carried, the subject right of way agreement was approved for the installation of a 12" water main in Dillard Drive beneath the tracks of the Norfolk Southern Railway.

CONTRACTS FOR MODEL CITIES NIGHT MEDICAL SERVICE APPROVED.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, approving the following contracts for Model Cities Night Medical Service, under the Charlotte Model Cities Second Action Year Budget:

- (1) Model Cities Night Medical Service/Facilities Professional and Supportive Services (operating agency - Charlotte Memorial Hospital), in the amount of \$32,075, which is total Model Cities supplemental funds. This project is intended to provide physical facilities for a night, non-emergency outpatient medical services program for Model Neighborhood Residents.
- (2) Model Cities Night Medical Service/Prescriptions (operating agency - Eckerd Drugs, Inc.), in the amount of \$3,000, which is total Model Cities supplemental funds. This project is intended for patients seen in the Model Cities Night Medical Service.
- (3) Model Cities Night Medical Service/Private Professional Service (operating agency - Westside Professional Association), in the amount of \$7,350, which is total Model Cities supplemental funds. This project is intended to provide professional manpower for delivery of non-emergency outpatient medical service to medically indigent residents of the Model Neighborhood.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON PETITION OF REDEVELOPMENT COMMISSION TO CLOSE PORTIONS OF SPRING STREET AND PHARR STREET, APPROVED.

Councilman Jordan moved adoption of subject resolution fixing date of public hearing on Monday, October 4, 1971, on petition of Redevelopment Commission to close portions of Spring Street and Pharr Street, in the City of Charlotte, Mecklenburg County, North Carolina, Greenville Urban Renewal Area, Project No. N. C. R-78. The motion was seconded by Councilman Alexander, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 421.



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STANDARD RIGHT OF WAY AGREEMENTS WITH THE NORTH CAROLINA STATE HIGHWAY COMMISSION.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, a standard right of way agreement with the State Highway Commission for water main installations to serve the Valley Grove Subdivision with water was approved.

CONTRACT WITH ED GRIFFIN DEVELOPMENT FOR EXTENSION OF PRESSURE LINE WITH PUMP STATION AND 8" MAIN TO SERVE PARKVIEW SUBDIVISION, APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, approving subject contract for the extension of 1,600 lineal feet of 4" pressure line with pump station and 4,120 lineal feet of 8" main to serve Parkview East Subdivision, outside the city, at the applicant's own expense to be turned over to the City at no cost upon completion of the construction.

CONTRACT WITH JOHN CROSLAND COMPANY FOR TRUNK AND MAIN TO SERVE PROPERTY EAST OF RAMA ROAD AND SOUTH OF OLD MONROE ROAD, APPROVED.

Councilman Alexander moved approval of contract with John Crosland Company for 325 lineal feet of 8-inch sanitary sewer trunk and 2,845 lineal feet of 8-inch main to serve property east of Rama Road and south of Old Monroe Road, adjacent to McClintock Jr. High School, outside the city, at the applicant's own expense. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCES ORDERING THE REMOVAL OF WEEDS AND GRASS PURSUANT TO SECTION 6.103 AND 6.104 OF THE CITY CHARTER, CHAPTER 10, ARTICLE 1, SECTION 10-9 OF THE CITY CODE AND CHAPTER 160-200 OF THE GENERAL STATUTES OF NORTH CAROLINA, ADOPTED.

Upon motion of Councilman Jordan, seconded by Councilman McDuffie, and unanimously carried, the following ordinances were adopted ordering the removal of weeds and grass from the following addresses:

- (a) Ordinance No. 214-X ordering the removal of weeds and grass adjacent to 625 East 9th Street.
- (b) Ordinance No. 215-X ordering the removal of weeds and grass adjacent to 1414 Cummings Avenue.
- (c) Ordinance No. 216-X ordering the removal of weeds and grass adjacent to 1524 Newcastle Street.
- (d) Ordinance No. 217-X ordering the removal of weeds and grass adjacent to 425 Hartford Avenue.
- (e) Ordinance No. 218-X ordering the removal of weeds and grass at 4450 Morgan Street.

The ordinances are recorded in full in Ordinance Book 18, beginning on Page 302.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman McDuffie, seconded by Councilman Short, and unanimously carried, approving the following property transactions:

- (a) Acquisition of 30' x 107.61' easement at 3416 Cambria Drive, from Charles W. Lent and wife, Jean Hall Lent, at \$108.00, for the McMullen Creek Outfall Project.
- (b) Acquisition of 5.54' x 50' x 5.80' x 50' at 1207 Parkwood Avenue, from Harvey C. Kerr and Gladys F. Kerr, at \$2,550.00, for the Belmont Neighborhood Improvement Project.
- (c) Acquisition of 5.58' x 52.15' x 9.48' x 53.52' at 1007 Parkwood Avenue, from Gary H. Watts and wife, Troy Ann, at \$430.00, for the Belmont Neighborhood Improvement Project.

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- (d) Acquisition of 9.48' x 57.57' x 8.59' x 30.92' x 27.38' at 1009 Parkwood Avenue, from Gary H. Watts and wife, Troy Ann, at \$650.00, for the Belmont Neighborhood Improvement Project.
- (e) Acquisition of 5.80' x 50' x 6.07' x 50' at 1211 Parkwood Avenue, from Lemuel C. Hamilton, Jr. and wife, Bessie N. Hamilton and James A. Small and wife, Annie Lou Small, at \$2,500.00, for the Belmont Neighborhood Improvement Project.
- (f) Acquisition of 6.84' x 50' x 7' x 50' at 1221 Parkwood Avenue, from Lemuel C. Hamilton, Jr. and wife, Bessie N. Hamilton and James A. Small and wife, Annie Lou Small, at \$300.00, for the Belmont Neighborhood Improvement Project.
- (g) Acquisition of 3.20' x 50' at 1300 Parkwood Avenue, from John Pritchard Hackney, Jr. (widower), at \$300.00, for the Belmont Neighborhood Improvement Project.
- (h) Acquisition of 3.19' x 50.92' x 3.42' x 50.88' at 1306 Parkwood Avenue, from Henry F. Darsey (single), at \$200.00, for the Belmont Neighborhood Improvement Project.
- (i) Acquisition of 2' x 50' at 1736 Hawthorne Lane, from Margaret Baron Alexander (single), at \$200.00, for the Belmont Neighborhood Improvement Program.
- (j) Acquisition of 7' x 75' at 1509 Parkwood Avenue, from Leona H. Broome (widow), at \$1,000.00, for the Belmont Neighborhood Improvement Project.
- (k) Acquisition of 3' x 2.90' at 1517 Parkwood Avenue, from Wilburn G. Griffin and wife, Geneva P. Griffin, at \$100.00, for the Belmont Neighborhood Improvement Project.
- (l) Acquisition of 1.75' x 50' at 1521 Parkwood Avenue, from Wilborn G. Griffin and wife, Geneva P. Griffin, at \$120.00, for the Belmont Neighborhood Improvement Project.
- (m) Acquisition of 5' x 55' at 1500 Parkwood Avenue, from Samuel T. Luke and wife, Augusta M. Luke, at \$375.00, for the Belmont Neighborhood Improvement Project.
- (n) Acquisition of 2.55' x 53' x .79' x 53.01' at 1508 Parkwood Avenue, from Wilson F. Crowder and wife, Ellen A. F. Crowder, at \$275.00, for the Belmont Neighborhood Improvement Project.
- (o) Acquisition of .79' x 24' at 1512 Parkwood Avenue, from Dewey E. Childers and wife, Patsy L. Childers, at \$100.00, for the Belmont Neighborhood Improvement Project.
- (p) Acquisition of 7' x 50' at 1516 Parkwood Avenue, from B. F. Presson and wife, at \$150.00, for the Belmont Neighborhood Improvement Project.
- (q) Acquisition of 75' x 193.92' x 75' x 194.06' at 3801 Eastway Drive, from Commonwealth-Eastminister Church, at \$4,950.00, for the Eastway Drive Widening Project.
- (r) Acquisition of 3' x 148.15' at 3200 Amy James Avenue, from Wade Hampton Ferguson and wife, Gertrude, at \$1.00, for the Amy James Avenue Sidewalk Project.
- (s) Acquisition of 5' x 140' at 3101 Amy James Avenue, from Boyce F. Faulkner, Sr., and wife, Ellinder B. Faulkner, at \$1.00, for the Amy James Avenue Sidewalk Project.
- (t) Acquisition of 5' x 140' at 3101 Ridge Avenue, from Albert Howze and wife, Odessar Howze, at \$1.00, for the Amy James Avenue Sidewalk Project.

CLAIM BY STROUPE SECURITY PATROL, INC. FOR LOSS OF DETEX WATCHMAN'S CLOCK, DENIED.

Councilman Jordan moved that the claim by Stroupe Security Patrol, in the amount of \$210.00, for the loss of a detex watchman's clock be denied as recommended by the City Attorney. The motion was seconded by Councilman Short, and carried unanimously.

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CLAIM BY MRS. DONNA LEAIRD ON BEHALF OF THE ERVIN COMPANY, DENIED.

Upon motion of Councilman Alexander, seconded by Councilman Short, and unanimously carried, subject claim in the amount of \$686.27, filed by Mrs. Donna Leaird, American Fidelity Insurance Agency, Inc., on behalf of the Ervin Company, Starbrook Apartments, for property damage, was denied, as recommended by the City Attorney.

ORDINANCES ORDERING THE DEMOLITION AND REMOVAL OF HOUSING DECLARED UNFIT FOR HUMAN HABITATION, ADOPTED.

Mayor Belk asked if anyone was present to contest the demolition of any of the housing listed on the agenda. No opposition was expressed to the orders for demolition.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, adopting the following ordinances ordering the demolition and removal of houses "unfit" for human habitation:

- (a) Ordinance No. 219-X ordering the dwelling at 2206 Celia Avenue to be demolished and removed.
- (b) Ordinance No. 220-X ordering the dwelling at 1208 Avery Lane to be vacated, demolished and removed.
- (c) Ordinance No. 221-X ordering the dwelling at 1209 Avery Lane to be vacated, demolished and removed.
- (d) Ordinance No. 222-X ordering the dwelling at 1210 Avery Lane to be vacated, demolished and removed.
- (e) Ordinance No. 223-X ordering the dwelling at 1211 Avery Lane to be vacated, demolished and removed.
- (f) Ordinance No. 224-X ordering the dwelling at 1212 Avery Lane to be vacated, demolished and removed.
- (g) Ordinance No. 225-X ordering the dwelling at 1213 Avery Lane to be vacated, demolished and removed.
- (h) Ordinance No. 226-X ordering the dwelling at 233 Fox Street to be demolished and removed.
- (i) Ordinance No. 227-X ordering the dwelling at 703 East 10th Street to be demolished and removed.
- (j) Ordinance No. 228-X ordering the dwelling at 702-04 North Alexander Street to be demolished and removed.
- (k) Ordinance No. 229-X ordering the dwelling at 437 Clanton Road to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 18, beginning at Page 307.

PRIVILEGE LICENSE APPLICATIONS FOR PRIVATE DETECTIVE, APPROVED.

Councilman Jordan moved approval of privilege license applications for Private Detective for the following applicants; the motion was seconded by Councilman McDuffie, and carried unanimously:

- (a) Coley Mabane Sharpe, State License No. 189.
- (b) Melvin O. Smith, State License No. 11.
- (c) William Benjamin Jones, State License No. 56.

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SPECIAL OFFICER PERMITS AUTHORIZED.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the following applicants were approved for special officer permits:

- (a) Renewal of permit to Lewis James Jackson for use on the premises of Johnson C. Smith University.
- (b) Renewal of permit to James W. Smith for use on the premises of Northwood Park Subdivision.
- (c) Issuance of permit to Alfred Arthur Davis, Jr. for use on the premises of Charlotte Park & Recreation Commission property.
- (d) Renewal of permit to Willie Joel Vincent for use on the premises of K-Mart Store, 6025 Pineville Road.

TRANSFER OF CEMETERY DEEDS.

Motion was made by Councilman McDuffie, seconded by Councilman Short, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Lewis J. Jackson and wife, Lena Glenn Jackson, for Graves No. 3 and 4, in Lot No. 42.
- (b) Deed with Herbert F. Alexander and wife, Sadie G. Alexander, for Lot No. 225, in Section 6, Evergreen Cemetery, at \$320.00.
- (c) Deed with John C. Murphy and wife, Bertie C. Murphy, for Lot No. 168, Section 6, Evergreen Cemetery, at \$480.00.
- (d) Deed with W. Hawley Funke and wife, O. Lorraine Funke, for Graves No. 3 and 4, in Lot No. 909, Section 6, at \$160.00.
- (e) Deed with Mrs. F. W. Burns for Graves No. 3 and 4, in Lot No. 756, Section 6, Evergreen Cemetery, at \$160.00.
- (f) Deed with Robert C. Hord and Robert C. Hord, Jr., for Lot No. 198, Section 6, Evergreen Cemetery, at \$480.00.

CONTRACT AWARDED LOW BIDDER, GRINNELL COMPANY, INC. FOR TAPPING SLEEVES AND VALVES.

Councilman Jordan moved award of contract to the low bidder, Grinnell Company, Inc., in the amount of \$13,944.08, on a unit price basis, for tapping sleeves and valves. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Grinnell Company, Inc.	\$13,944.08
Kennedy Valve Mfg. Co., Inc.	14,080.64
U. S. Pipe & Foundry Co.	14,234.15
American-Darling Valve & Mfg.	14,458.92

CONTRACT AWARDED LYNCHBURG FOUNDRY COMPANY FOR CAST IRON PIPE.

Councilman Alexander moved award of contract to the low bidder, Lynchburg Foundry Company, in the amount of \$177,741.50, on a unit price basis, for cast iron pipe. The motion was seconded by Councilman Short, and carried unanimously.

The following bids were received:

Lynchburg Foundry Co.	\$177,741.50
Glamorgan Pipe & Foundry Co.	180,142.00
Clow Corporation	201,253.00
American Cast Iron Pipe Co.	202,314.00

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CONTRACT AWARDED PALMER'S ROWAN STATIONERS, INC. FOR CITY AUTOMOBILE LICENSE DECALS.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, contract was awarded the low bidder, Palmer's Rowan Stationers, Inc. in the amount of \$3,752.00, on a unit price basis, for city automobile license decals.

The following bids were received:

Palmer's Rowan Stationers, Inc.	\$3,752.00
Weldon, Williams & Lick, Inc.	5,432.00

CONTRACT AWARDED INTERSTATE EQUIPMENT COMPANY FOR SIX LEAF LOADERS.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, awarding contract to the low bidder, Interstate Equipment Company, in the amount of \$22,843.48, on a unit price basis, for six leaf loaders.

The following bids were received:

Interstate Equip. Company	\$22,843.48
E. F. Craven Company	25,074.00
N. C. Equipment Company	26,970.00

CONTRACT AWARDED G & L JANITOR SUPPLY & SERVICE COMPANY FOR JANITORIAL SERVICES FOR ALEXANDER STREET CENTER.

Motion was made by Councilman Alexander, seconded by Councilman Short, and unanimously carried, awarding contract to the low bidder, G & L Janitor Supply and Service Company, in the amount of \$16,416.00, for janitorial services for Alexander Street Center, and that the following letter be made a part of the contract; and read into the record:

"August 17, 1971

Mr. D. C. Brown  
Purchasing Department  
City of Charlotte, North Carolina

Re: Model Cities Area Employment

Dear Mr. Brown:

As per your request, G & L Janitor & Service Co. will endeavor to hire employees from the Model Cities Area whenever possible. Should we be chosen the contractor for the Alexander Street Building, we would employ employees from the Model Cities Area.

Should we be favored with this contract, we may have to, on a temporary basis, start with persons not residing in that area, but we would make due haste in seeking and employing persons from this area as soon as it is possible.

Mr. Brown, we reserve the right to move or promote talented people to a better job in our organization. Should an employee engage in this contract from the Model Cities Area showing ambition and potential, we may move this man in our organization but would endeavor to replace him with employees residing in the Model Cities Area. Should there be any question concerning this, please call on me.

With kindest personal regards,

G & L Janitor Supply & Service Co.

Jim Griffin  
President."

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The following bids were received:

G & L Janitor Supply & Service Co.	\$16,416.00
Latimer's House Cleaning Service	22,404.00
Means Jnaitorial Service	23,872.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR LOWER SUGAR CREEK OUTFALL REPAIRS.

Upon motion of Councilman Jordan, seconded by Councilman Alexander and unanimously carried, contract was awarded the low bidder, Crowder Construction Company, in the amount of \$38,750.00, on a unit price basis, for Lower Sugar Creek Outfall repairs.

The following bids were received:

Crowder Construction Co.	\$38,750.00
A. P. White & Assoc., Inc.	39,900.00
Sanders Brothers, Inc.	42,900.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR STREET IMPROVEMENTS ON CENTRAL AVENUE WIDENING PROJECT.

Councilman Alexander moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$297,398.60 on a unit price basis, for street improvements on Central Avenue Widening Project. The motion was seconded by Councilman Jordan, and after explanation by the Public Works Director, the vote was taken on the motion and carried unanimously.

The following bids were received:

Crowder Construction Company	\$297,398.60
T. A. Sherrill Const. Co., Inc.	310,680.00
Blythe Brothers Company	322,464.30
Rea Construction Company	326,772.10

CONTRACT AWARDED FRED MORETTI CONSTRUCTION COMPANY FOR CONSTRUCTION OF LIBRARY PARK.

Motion was made by Councilman Short, seconded by Councilman Alexander and unanimously carried, awarding contract to the lowest bidder meeting specifications, Fred Moretti Construction Company, in the amount of \$118,320.00 for construction of the Library Park.

The following bids were received:

Fred Moretti Construction Co. (Negotiated Bid)	\$118,320.00
Rodgers Builders, Inc. (Alternate No. 1)	111,030.00
F. N. Thompson, Inc. (Alternate No. 1)	114,100.00
Fred Moretti Const. Co. (Alternate No. 1)	127,726.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR ALLEGHANY STREET IMPROVEMENTS.

Councilman Jordan moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$51,815.00 for street improvements on Alleghany Street. The motion was seconded by Councilman Short and carried unanimously.

The following bids were received:

Crowder Construction Co. (Negotiated Bid)	\$51,815.00
Crowder Construction Co.	60,640.00
Blythe Brothers Co.	62,932.50
Rea Construction Co.	64,112.50
T. A. Sherrill Const. Co.	65,291.25

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BIDS AUTHORIZED REJECTED AND READVERTISED FOR PEGRAM STREET PARK CONSTRUCTION.

Motion was made by Councilman Alexander, seconded by Councilman Jordan and unanimously carried, rejecting the only bid received for Pegram Park Construction and authorizing bids readvertised for the project.

BIDS AUTHORIZED REJECTED AND READVERTISED FOR LANDSCAPE PLANTING FOR PEGRAM STREET PARK.

Councilman Jordan moved that the two bids received for landscape planting for Pegram Street Park be rejected and readvertised. The motion was seconded by Councilman McDuffie and carried unanimously.

CONTRACT AWARDED CASE POWER & EQUIPMENT COMPANY FOR TWO FRONT END LOADERS.

Upon motion of Councilman Jordan, seconded by Councilman McDuffie, and unanimously carried, contract was awarded the low bidder, Case Power & Equipment Company, in the amount of \$36,763.58, on a unit price basis, for two front end loaders.

The following bids were received:

Case Power & Equipment Co.	\$36,763.58
E. F. Craven Company	40,498.00
Spartan Equipment Co.	41,550.00
Western Carolina Tractor	41,583.62
Carolina Tractor & Equipment Co.	48,148.80

DISCUSSION OF WAGE AND PRICE FREEZE EFFECT ON PROPOSED SALARY INCREASES FOR CITY EMPLOYEES.

Councilman Alexander stated he does not feel that we can let pass the fact that Council, in July, passed a salary increase for city employees to take effect at a certain time and we have no knowledge whether or not we can go ahead and give the employees their raises in October.

He stated he would like to see steps made by the City's Legal Department to attempt to find out where we stand on this particular item.

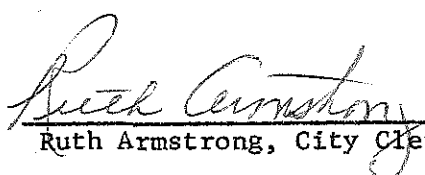
Mr. Underhill, City Attorney, replied this has been done and the answer is that the price freeze applies to those salary increases and they cannot be granted in October or if the price freeze is extended for any period of time beyond that.

Mr. Burkhalter, City Manager, stated he has some very clearly defined questions and answers on this, and he will be glad to send out copies to each member of Council right away.

He stated the only occasion we have any justification for a change in salary is on clearly defined promotions where a man is in a certain job today and he is changed to a job already classified which the employer had fully intended to fill, you can move a man into that and pay him for that job.

ADJOURNMENT.

Upon motion of Councilman Jordan, seconded by Councilman Alexander, and unanimously carried, the meeting was adjourned.

  
Ruth Armstrong, City Clerk